

BORA LASKIN LAW LIBRARY



3 1761 09233737 7

ETHICS AND THE LAW

David Dyzenhaus

January 1991

45-743-396

LAW LIBRARY

JAN 8 1991

FACULTY OF LAW
UNIVERSITY OF TORONTO

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

ETHICS AND THE LAW

David Dyzenhaus

January 1991



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/ethicslaw00dyze>

"Ethics and the Law" Phl 271S

Table of Contents

Section I: The Rule of Law

(A) The Rule of Law in Mainstream Jurisprudence

J.W. Harris 'The Morality of Law and the Rule of Law' Legal Philosophies (1980) pp. 1-10

H.L.A Hart 'Positivism and the Separation of Law and Morals' Essays in Jurisprudence and Philosophy (1983) pp. 11-40

Lon L. Fuller 'Positivism and Fidelity to Law - A Reply to Professor Hart' (1958) 71 Harvard Law Review pp. 41-72

(B) Political Theory and the Rule of the Law

Thomas Hobbes extracts from Leviathan pp. 73-80

Jeremy Bentham 'Nonsense upon Stilts' from Waldron, ed., Nonsense upon Stilts (1987) pp. 81-98

Isaiah Berlin 'Two Concepts of Liberty' from Sandel, ed., Liberalism and its Critics (1984) pp. 99-114

F.A. von Hayek 'Planning and the Rule of Law' The Road to Serfdom (1944) pp. 115-125

Joseph Raz 'The Rule of Law and its Virtue' The Authority of Law (1979) pp. 126-140

Ronald Dworkin 'What rights do we have?' Taking Rights Seriously (1977) pp. 141-150

Dworkin 'Law's Ambitions for Itself' (1985) 71 Virginia Law Review pp. 151-161

Dworkin 'Political Judges and the Rule of Law' A Matter of Principle (1985) pp. 162-180

(C) Critical Perspectives on the Rule of Law

Karl Marx 'On the Jewish Question' from Waldron, ed., Nonsense upon Stilts (1987) pp. 181-191

Michael J. Sandel 'The Political Theory of the Procedural Republic' from Hutchinson and Monahan, eds, The Rule of Law: Ideal or Ideology (1987) pp. 192-201

Allan C. Hutchinson and Patrick Monahan 'Democracy and the Rule of Law' from Hutchinson and Monahan, eds, The Rule of Law: Ideal or Ideology (1987) pp. 202-222

Catherine A. MacKinnon 'The Liberal State' Towards a Feminist Theory of the State (1989) pp. 223-233

Robert Gordon 'New Developments in Legal Theory' from Kairys, ed., The Politics of Law: A Progressive Critique (1990) pp. 234-242

Section II The Legal Enforcement of Morality

(A) Freedom of Speech and the Harm Principle

John Stuart Mill extracts from On Liberty pp. 243-282

Patrick Devlin 'Morals and the Criminal Law' The Enforcement of Morals (1965) pp. 283-298

H.L.A Hart Law, Liberty and Morality (prescribed book)

Ronald Dworkin 'Liberty and Moralism' Taking Rights Seriously (1977) pp. 298-310a

(B) Freedom of Speech and Pornography

Joel Feinberg 'Pornography and the Criminal Law' from Copp and Wendell, eds, Pornography and Censorship (1983) pp. 311-331

T.M. Scanlon 'Freedom of Expression and Categories of Expression' from Copp and Wendell, eds, Pornography and Censorship (1983) pp. 332-350

(C) The Feminist Critique of Pornography

Andrea Dworkin 'Against the Male Flood: Censorship, Pornography' and Equality' (1985)8 Harvard Women's Law Journal pp. 351-369

Catherine MacKinnon 'Not a Moral Issue' and 'Frances Biddle's Sister' Feminism Unmodified: Discourses on Life and Law (1987) pp. 370-406

Robin West 'Pornography as a Legal Text: Comments from a Legal Perspective' from Gubar and Hoff, eds, For Adult Users Only: the Dilemma of Violent Pornography (1989) pp. 407-422

(D) Judicial Essays on Pornography

Extracts from Towne Cinema Theatres v. R. 45 C.R. (3d) 1 and R. v. Butler 72 C.R. (3rd) 18 pp. 423-463

Section III Liberalism, Pornography and the Rule of Law

John Stuart Mill extract from The Subjection of Women pp. 464-483

Ronald Dworkin 'Do we have a right to pornography?' A Matter of Principle (1985) pp. 484-510

Rae Langton 'Whose Right? Ronald Dworkin, Women, and Pornographers' (1990)19 Philosophy and Public Affairs pp. 511-538

